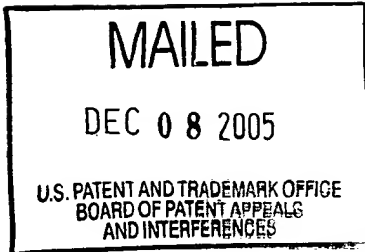


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte CHARLES H. REYNOLDS  
\_\_\_\_\_

Application 09/309,321  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was electronically received at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the Image File Wrapper (IFW) indicates that in the Final Rejection mailed June 10, 2003, the following § 103 rejection was made:

1. Claims 1-14 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHENG '174 (US 5644174) or PULIZZI (US 5923103) in combination with EEM 96 electronic engineers master catalog published by Hearst Business Communications, Inc. And Lord (US 5198806) [page 3].

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However, the § 103 rejection appears in the Examiner's Answer mailed September 22, 2004 as follows:

Claims 1-14 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHENG '174 (US 5644174) or PULIZZI (US 5923103) in combination with EEM 96 electronic engineers master catalog published by Hearst Business Communications, Inc. And Lord (US 5198806) and Newton's Telecom Dictionary [pages 6-7].

Because of the inclusion of the Newton's Telecom Dictionary reference, this rejection would constitute a new ground of rejection. While a new ground of rejection is permitted in the Examiner's Answer, the examiner must follow the guidelines set forth in MPEP § 1207.03, namely:

- 1) Approval by a Technology Center Director or designee; and
- 2) Prominently identified, by a separate heading with all capital letters in the following sections of the Examiner's Answer:

Grounds of Rejection to be Reviewed on Appeal section,  
and

Grounds of Rejection section.

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To correct this problem, the examiner will need to:

1) correct the Examiner's Answer properly setting forth the new grounds of rejection; and

2) acquire the appropriate approval for the Examiner's Answer.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to vacate the Examiner's Answer mailed September 22, 2004;

2) to write a new Examiner's Answer properly setting forth the new ground of rejection with the appropriate approval;

3) to have a complete copy of the Examiner's Answer scanned into the IFW; and

4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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CRF:psb

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